IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Crl. Misc. No. 79845-M of 2006

DATE OF DECISION : 01.03.2007

Ram Singh and others

.... PETITIONERS

Versus

State of Haryana

..... RESPONDENT

CORAM :- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL

Present: Mr. Shailender Kumar, Advocate,
for the petitioners.

Mr. S.S. Mor, Senior DAG, Haryana.

The petitioners, apprehending their arrest in pursuance of non-bailable warrants issued by the trial court in case FIR No. 217 dated 9.10.2005 under Sections 406/420/504/506/120-B/34 IPC, registered at Police Station Mahesh Nagar, Tehsil and District Ambala Cantt, have filed this petition under Section 438 of the Code of Criminal Procedure for the grant of anticipatory bail.

I have heard counsel for the parties.

Counsel for the petitioners contends that in the aforesaid FIR, the petitioners were on regular bail and on 11.5.2006, they could not appear before the trial court, because of the fact that their counsel communicated a wrong date. Resultantly, bail bonds of the petitioners were cancelled and warrants of arrest were issued. Counsel contends that the absence of the petitioners on 11.5.2006 was not intentional, but because of bonafide error on the part of their counsel.

Counsel for the petitioners further states that in terms of the interim order dated 19.12.2006, the petitioners have appeared before the trial court and furnished their fresh bail bonds, which have been accepted

and attested by Judicial Magistrate Ist Class on 23.12.2006. Copy of the said order has been placed on record. This fact has not been disputed by the State Counsel.

In view of the above, without commenting on the merits, the interim bail, granted vide order dated 19.12.2006, is made absolute.

Disposed of accordingly.

March 01, 2007 **(SATISH KUMAR MITTAL)**
ndj **JUDGE**